

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

UNITED STATES OF AMERICA                    )  
  )  
v.    )     NO. 2:09-CR-46  
  )  
JEFFREY STOCK                                )

**ORDER**

This criminal matter is before the Court to consider the Report and Recommendation of the United States Magistrate Judge dated August 4, 2009. [Doc. 30]. The Magistrate Judge recommends that the defendant's motion to dismiss the indictment be denied. [Doc. 19]. The defendant has filed objections to this report. [Doc. 39].

After careful and *de novo* consideration of the Report and Recommendation of the United States Magistrate Judge, the defendant's motion to dismiss, the response of the government, and for the reasons set out in that Report and Recommendation, which are incorporated by reference herein, it is hereby **ORDERED** that this Report and Recommendation is **ADOPTED** and **APPROVED**, and that the defendant's motion to dismiss is **DENIED**.

[Doc. 19].

In addition, it should also be noted that the defendant's issue in regard to a due process violation based on lack of notice and his *ex post facto* argument are effectively foreclosed by *United States v. Samuels*, 319 Fed. Appx. 389, 2009 WL 877698 (6<sup>th</sup> Cir. 2009).

ENTER:

s/J. RONNIE GREER  
UNITED STATES DISTRICT JUDGE